Practitioner's Docket No. 2002-IP-009210U1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 0 2 2004	of
1 <del>3</del> . U	for
THE TRADEMARK	

Patent application	
of	
Inventor(s)	
for	
Title of invention	
OR	
In re application of: PhilipDD. Nguyen, et al	
Application No.:10 / 608,291 Group Art Unit: Examiner:	
For: Compositions and Methods for Improving Proppant Pack Permea and Fracture Conductivity in a Subterranean Well P.O. Box 1450	bility

### TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT WITHIN THREE MONTHS OF FILING OR BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))

## . CERTIFICATION UNDER 37 C.F.R. 88 1.8(a) and 1.10\*

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\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filling date for patent term adjustment calculations.

(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [6-3] page 1 of 3) NOTE: 37 C.F.R. 1.98(b):

- (1) Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.
- (2) Each U.S. patent application publication listed in an information disclosure statement shall be identified by applicant, patent application publication number, and publication date.
- (3) Each U.S. application listed in an information disclosure statement must be identified by the inventor, application number, and filing date.
- (4) Each foreign patent or published foreign patent application listed in an information disclosure statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.
- (5) Each publication listed in an information disclosure statement must be identified by publisher, author (if any), title, relevant pages of the publication, date, and place of publication.

WARNING: No extension of time can be had under 37 C.F.R. § 1.138 (a) or (b) for filing an IDS. 37 C.F.R. § 1.97(f).

NOTE: The "filing date of a national application" under 37 C.F.R. § 1.97(b) has two possible meanings. Where the filing is a direct one to the United States Patent & Trademark Office, the filing is defined in 37 C.F.R. § 1.53(b) as "the date on which: (1) A specification containing a description pursuant to § 1.71 and at least one claim pursuant to § 1.75; and (2) any drawing required by § 1.81(a), are filed in the Patent and Trademark Office in the name of the actual inventor or inventors as required by § 1.41." 37 C.F.R. § 1.97(b)(1). On the other hand, an international application that enters the national stage occurs when the applicant has filed the documents and fees required by 35 U.S.C. § 371(c) within the periods set forth in § 1.494 or § 1.495. 35 U.S.C. § 371(c) requires the filing of the following: (1) the basic national fee; (2) a copy of the international application, unless already sent by the International Bureau, and optionally an English translation if filed in another language; and, also optionally (3) amendments under PCT Article 19, with a translation into English if made in another language; (4) an oath or declaration; and (5) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. The optional items must be submitted later, with surcharges. 37 C.F.R. § 1.97(b)(2).

# IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

- NOTE: "No certification or fee is due when the filing is made within the above time period. It is advisable to ensure that no Office action has been mailed if the disclosure statement is delayed until after three months from filing."
- NOTE: "An information disclosure statement will be considered to have been filed on the day it was received in the Office, or on an earlier date of a mailing if accompanied by a properly executed certificate of mailing under 37 C.F.R. 1.8, or Express Mail certificate under 37 C.F.R. 1.10. An Office action is mailed on the date indicated in the Office action." Notice of April 20, 1992 (1138 O.G. 37-41, 39). See also § 609, M.P.E.P., 8th Edition.
- NOTE: "The term 'national application' includes continuing applications (continuations, divisions, continuations-in-part) so three-months will be measured from the actual filing date of an application as opposed [sic] to the effective date of a continuing application." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims rather than just a restriction requirements (37 C.F.R. 1.142) or just a requirement for additional fees to have a claim considered (37 C.F.R. 1.16(d)). Thus, if an application was filed on Jan. 1 and the first Office action on the merits was not mailed until six months later on July 1, the examiner would be required to consider any proper information disclosure statement filed prior to July 1." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. § 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.

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(Transmittal of Information Disclosure Statement Within Three Months of Filing or Before Mailing of First Office Action [8-3]—page 3 of 3)

#### PATENT 2002-IP-009210U1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE Applicants: Philip D. Nguyen, et al Unknown Art Unit: Serial No.: 10/608,291 Filed: 06/27/2003 Examiner: Unknown For: Compositions and Methods For Improving Proppant Pack Permeability and Fracture Conductivity in A Subterranean Well

#### SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

COMMISSIONER FOR PATENTS Alexandria, VA 22313-1450

SIR:

The following documents are known to Applicants or Applicants' attorneys and are submitted for the Examiner to consider in the above-captioned application.

#### U. S. PATENTS

- U.S. Patent Number 2,703,316 issued 03/01/55 to Bentley J. Palmer;
- U.S. Patent Number 3,272,650 issued 09/13/66 to Russell L. MacVittie;
- U.S. Patent Number 3,819,525 issued 06/25/74 to David L. Hattenbrun;
- U.S. Patent Number 3,912,692 issued 10/14/75 to Donald James Casey, et al;
- U.S. Patent Number 4,172,066 issued 10/23/79 to Maurice L. Zweigle, et al:
- U.S. Patent Number 4,460,052 issued 07/17/84 to Judith Gockel;
- U.S. Patent Number 4,498,995 issued 02/12/85 to Judith Gockel;

- U.S. Patent Number 4,797,262 issued 01/10/89 to Thomas S. Dewitz;
- U.S. Patent Number 5,249,628 issued 10/05/93 to Jim B. Surjaatmadja;
- U.S. Patent Number 5,295,542 issued 03/22/94 to R. Clay Cole, et al;
- U.S. Patent Number 5,325,923 issued 07/05/94 to Jim B. Surjaatmadja, et al;
- U.S. Patent Number 5,330,005 issued 07/19/94 to Roger J. Card, et al;
- U.S. Patent Number 5,360,068 issued 11/01/94 to Eve S. Sprunt, et al:
- U.S. Patent Number 5,363,916 issued 11/15/94 to Ronald E. Himes, et al;
- U.S. Patent Number 5,373,901 issued 12/20/94 to Lewis R. Norman, et al;
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- U.S. Patent Number 5,402,846 issued 04/04/95 to Alfred R. Jennings, Jr., et al;
- U.S. Patent Number 5,464,060 issued 11/07/95 to Arthur H. Hale, et al;
- U.S. Patent Number 5,497,830 issued 03/12/96 to Joel L. Boles, et al;
- U.S. Patent Number 5,499,678 issued 03/19/96 to Jim B. Surjaatmadja, et al;
- U.S. Patent Number 5,505,787 issued 04/09/96 to Kyouichi Yamaguchi;
- U.S. Patent Number 5,512,071 issued 04/30/96 to Benny S. Yam, et al;
- U.S. Patent Number 5,604,186 issued 02/18/97 to Charles V. Hunt, et al;
- U.S. Patent Number 5,670,473 issued 09/23/97 to William H. Scepauski;
- U.S. Patent Number 5,698,322 issued 12/16/97 to Fu-Jya Tsai, et al;
- U.S. Patent Number 5,765,642 issued 06/16/98 to Jim B. Surjaatmadja;
- U.S. Patent Number 5,833,000 issued 11/10/98 to Jim D. Weaver, et al;

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- U.S. Patent Number 5,964,291 issued 10/12/99 to Hugh M. Bourne, et al;
- U.S. Patent Number 6,004,400 issued 12/21/99 to Phillip W. Bishop, et al:
- U.S. Patent Number 6,024,170 issued 02/15/00 to Michael A. McCabe, et al;
- U.S. Patent Number 6,028,113 issued 02/22/00 to William H. Scepanski;
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- U.S. Patent Number 6,135,987 issued 10/24/00 to Fu-Jya Daniel Tsai, et al;
- U.S. Patent Number 6,169,058 B1 issued 01/02/01 to Hoang V. Le, et al;
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- U.S. Patent Number 6,209,646 B1 issued 04/03/01 to Baireddy R. Reddy, et al;
- U.S. Patent Number 6,214,773 B1 issued 04/10/01 to Phillip C. Harris, et al;
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- U.S. Patent Number 6,357,527 B1 issued 03/19/02 to Lewis R. Norman, et al;
- U.S. Patent Number 6,364,945 B1 issued 04/02/02 to Jiten Chatterji, et al;
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- U.S. Patent Number 6,488,763 B2 issued 12/03/02 to Lance E. Brothers, et al;
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- U.S. Patent Number 6,508,305 B1 issued 01/21/03 to Harold D. Brannon, et al;
- U.S. Patent Number 6,527,051 B1 issued 03/04/03 to Baireddy R. Reddy, et al;
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- U.S. Publication Number 2003/0188766 A1 published 10/09/03 by Souvik Banerjee, et al;
- U.S. Publication Number 2004/0055747 A1 published 03/25/04 by Li-Jien Lee;
- U.S. Publication Number 2004/0106525 A1 published 06/03/04 by Dean Willberg, et al;
- U.S. Publication Number 2004/0138068 A1 published 07/15/04 by Brett Rimmer, et al;
- U.S. Publication Number 2004/0152601 A1 published 08/05/04 by John W. Still, et al;
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Int'l Publication Number WO 01/87797 A1 published 11/22/01 by Samuel Danican, et al;

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Selectively Placing Many Fractures in Openhole Horizontal Wells Improves Production, SPE 50422, published 1998 Society of Petroleum Engineers by T. G. Love, et al; Evolving New Stimulation Process Proves Highly Effective in Level 1 Dual-Lateral Completion, SPE 78697, published 2002 Society of Petroleum Engineers by B. W. McDaniel, et al;

Aliphatic Polyesters: Synthesis, Properties and Applications published 2002, Advances in Polymer Science, Volume 157, Springer-Verlag by Ann-Christine Albertsson, et al; Controlled Ring-Opening Polymerization of Lactide and Glycolide published 2004

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#### **BROCHURES**

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Cobra Frac<sup>SM</sup> Service, Coiled Tubing Fracturing—Cost-Effective Method for Stimulating Untapped Reserves HO2319R, published 2000 Halliburton Energy Services, Inc; CobraJet Frac<sup>SM</sup> Service, Cost-effective Technology That Can Help Reduce Cost Per BOE Produced, Shorten Cycle Time and Reduce Capex published Halliburton Communications.

Copies of the aforementioned non-patent references and Form PTO-1449 are submitted herewith.

Respectfully submitted,

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PTO-1449

Information Disclosure Citation in an Application

Application No. 10/608,291	Applicant(s) Philip D. Nguyen, et al			
Docket Number 2002-IP-009210U1	Group Art Unit Filing Date 06/27/2003			

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	3,819,525	06-25-74	Hattenbrun	252	132	08-21-72		
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EXAMINER DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

#### PTO-1449

# Information Disclosure Citation in an Application

Application No. 10/608,291
Docket Number

2002-IP-009210U1

Applicant(s)
Philip D

Philip D. Nguyen, et al
Group Art Unit | Filing |

Filing Date 06/27/2003

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	6,422,314 B1	07-23-02	Todd, et al.	166	312	08-01-00
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	6,488,763 B2	12-03-02	Brothers, et al.	106	692	10-05-01
	6,494,263 B2	12-17-02	Todd	166	312	01-09-01
	6,508,305 B1	01-21-03	Brannon, et al.	166	293	09-14-00
	6,527,051 B1	03-04-03	Reddy, et al.	166	300	07-12-02
$\perp$	6,554,071 B1	04-29-03	Reddy, et al.	166	293	07-12-02

**EXAMINER** 

**DATE CONSIDERED** 

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

# PTO-1449 Information Disclosure Citation in an Application Application Application No. 10/608,291 Philip D. Nguyen, et al Docket Number 2002-IP-009210U1 Group Art Unit Filing Date 06/27/2003

#### **U.S. PATENT DOCUMENTS**

DOCUMENT NO.	ISSUE/PUB. DATE	NAME	CLASS	SUBCLASS	FILING DATE
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	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	Yes	No	
	WO 99/27229	06-03-99	PCT	E21B	43/26	х		
	WO 01/87797 A1	11-22-01	PCT	C04B	28/02	X		
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	WO 03/027431 A3	04-03-03	PCT	E21B	43/26	X		
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EXAMINER DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

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PTO-144	.9	•	Application No.	Applicant(s)					
			10/608,291	Philip D. Nguyen, et al					
Info	rmation Disclosure ( Application		Docket Number 2002-IP-009210U1	Group Art Unit		Filing Date 06/27/2003			
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			ion of a Combined Fluid-Los		ive and G	el			
			, Society of Petroleum Engine tures in Openhole Horizontal		s Producti	ion		<u> </u>	
	SPE 50422, Society of			- Weils Improve.	3 1 10aucii				
			Process Proves Highly Effect	tive in Level 1 I	Dual-Late	ral			
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